



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10791,677	03/01/2004	Harry Smith	16239-07751

CONFIRMATION NO. 2599

## FORMALITIES LETTER

\*OC000000012734986\*

00758  
FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW, CA 94041

Date Mailed: 05/21/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$900 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

08/23/2004 EAREGAY1 00000077 192555 10791677

01 FC:1051 130.00 DA  
02 FC:1001 770.00 DA

AUG-20-04 04:54PM FROM-Fenwick & West

415 281 1350

T-465 P.014/014 F-563

*A copy of this notice MUST be returned with the reply.*

*UCB*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**FENWICK & WEST LLP**

SAN FRANCISCO OFFICE | 275 BATTERY ST., SUITE 1500 | SAN FRANCISCO, CA 94111

TEL 415.875.2300 | FAX 415.281.1350 | WWW.FENWICK.COM

**FACSIMILE TRANSMISSION****CONFIDENTIAL**

DATE: August 20, 2004

CLIENT-MATTER No.: 16239-07751

**To:**

NAME	FAX No.	PHONE No.
Commissioner for Patents	(703) 746-4060	

FROM: Daniel R. Brownstone

PHONE: (415) 875-2444

SENT BY: Tracie Brooks

PHONE: (415) 875-2482

NUMBER OF PAGES WITH COVER PAGE: 14

ORIGINAL WILL NOT FOLLOW

**MESSAGE:****RESPONSE TO NOTICE OF MISSING PARTS**

Applicants: Harry Smith, et al.

App. No.: 10/791,677

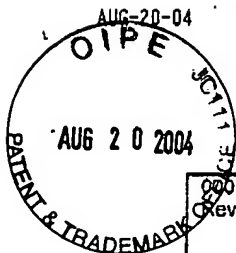
Filing Date: March 1, 2004

RECEIVED  
AUG 23 2004  
OIP E / JCWS**CAUTION - CONFIDENTIAL**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE OR THEIR DESIGNEE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, OR IF THEY ARE NOT CLEAR,  
PLEASE CALL Tracie Brooks AT (415) 875-2482 AS SOON AS POSSIBLE.

A1000/00103/SF/5121796.1



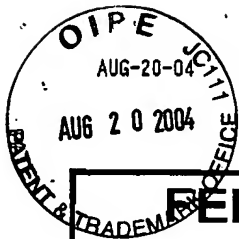
<b>TRANSMITTAL FORM</b> (to be used for all correspondence during pendency of filed application)		Application Number	10/791,677
		Filing Date	March 1, 2004
		First Named Inventor	Harry Smith
		Group Art Unit Number	2171
		Examiner Name	Unassigned
Total Number of Pages in This Submission	13	Attorney Docket Number	16239-07751

ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form (In duplicate) <input checked="" type="checkbox"/> Authorization for deposit account	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Return Receipt Postcard	<input type="checkbox"/> Letter to Chief Draftsperson
<input checked="" type="checkbox"/> Response to Notice to File Missing Parts	<input type="checkbox"/> Formal Drawing(s): [ ] Sheet(s) of Figure(s) [ ]
<input type="checkbox"/> Assignment & Recordation Cover Sheet	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Combined Declaration & Power of Attorney	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> Application Data Sheet	<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of IDS Cited References	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Request for Corrected Filing Receipt	<input checked="" type="checkbox"/> Fax Cover Sheet
<input type="checkbox"/> Request for Correction of Recorded Assignment	<input type="checkbox"/>
<input type="checkbox"/> Amendment/Response: [ ] Page(s) <input type="checkbox"/> After Final	<input type="checkbox"/>
<input type="checkbox"/> Status Request	<input type="checkbox"/>
<input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/>
REMARKS:	

SIGNATURE OF ATTORNEY OR AGENT	
Signature:	
Attorney/Reg. No.:	Daniel R. Brownstone, Reg. No. 46,581
Dated:	August 20, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.	
Signature:	
Typed or Printed Name:	Daniel R. Brownstone
Dated:	August 20, 2004
Facsimile Number:	(703) 746-4060

16239/07751/SF/5127097.1



AUG-20-04 04:50PM FROM-Fenwick &amp; West

415 281 1350

T-465 P.003/014 F-563

**FEE TRANSMITTAL  
for FY 2004**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 1010

Complete if Known	
Application Number	10/791,677
Filing Date	March 1, 2004
First Named Inventor	Harry Smith, et al.
Examiner Name	Unassigned
Art Unit	2171
Attorney Docket No.	16239-07751

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account:Deposit Account Number **19-2555**Deposit Account Name **Fenwick & West LLP**

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					770

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					0.00

\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(g)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

SUBTOTAL (3) (\$)

240.00

**SUBMITTED BY**

Name (Print/Type)	Daniel R. Brownstone	Registration No. (Attorney/Agent)	36,581	Complete (if applicable)	
Signature		Date	August 20, 2004	Telephone (415) 875-2358	




PATENT

## IN THE UNITED STATES

## PATENT AND TRADEMARK OFFICE

APPLICANT(S): Harry Smith, et al.  
APPLICATION NO.: 10/791,677  
FILING DATE: March 1, 2004  
TITLE: DELIVERY OF CONTINUOUS REAL-TIME PERFORMANCE  
DATA OVER THE INTERNET  
EXAMINER: Unassigned  
GROUP ART UNIT: 2171  
ATTY. DKT. NO.: 16239-07751

CERTIFICATE OF FACSIMILE TRANSMISSION		
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.		
Signature:		
Typed or Printed Name:	Daniel R. Brownstone	Dated: August 20, 2004
Facsimile Number:	(703) 746-4060-	

MAIL STOP MISSING PARTS  
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ALEXANDRIA, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION

Responsive to the Notice to File Missing Parts dated May 21, 2004 received in the above-identified patent application,

☒ Enclosed are:

- ☒ a copy of the Notice to File Missing Parts;
- ☒ an original, signed Combined Declaration and Power of Attorney;
- ☒ an Application Data Sheet;

16239/07751/SF/5127087.11

PATENT



- ☒ payment in the amount of \$ 1010.00 for the
- ☒ application filing fee;
  - ☒ extension fee for reply within first month
  - ☒ missing parts surcharge.

☐ Other

☐ Applicant claims small entity status under 37 C.F.R. § 1.27.

Respectfully submitted,  
HARRY SMITH, ET AL.

Dated: 20 Aug 2004

By: D. R. Brownstone  
Daniel R. Brownstone, Reg. No.: 46,581  
Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Tel.: (415) 875-2358  
Fax.: (650) 938-5200

16239/07751/SF/5127087.12